

DETAILED ACTION

Lack of Unity

1. Restriction is required under 35 U.S.C. 121 and 372.

Group I, claim(s) 1-28, drawn to a compound of formula (I) and a composition.

Group II, claim(s) 29-31, drawn to a method of use.

2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: biphenyl compounds like Carbamic acid, N-[4-[[4-amino-4'-chloro[1,1'-biphenyl]-3-yl]amino]carbonyl]phenyl]-, 2-(dimethylamino)ethyl ester are found useful in the treatment of cell proliferative diseases and disorders. Hence, the compounds are known and there is no special technical feature that unites Group I and II.

3. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

4. In the event of **rejoinder**, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

Art Unit: 1621

5. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Aryl-1 containing

R1 and R2

R1 and R2, non-heterocycloalkyl

R1 and R2, heterocycloalkyl

R1 and R2, heteroaryl

R1 and R2, non-heteroaryl

R17

R10 and R11

R10 and R11, heteroaralkyl

R10 and R11, heteroaryl

R10 and R11, non-heteroaralkyl

R10 and R11, non-heteroaryl

R3, R8, R9

R3, R8, R9 heterocycloalkyl

R3, R8, R9 non-heterocycloalkyl

Aryl-2 containing

Y

R4, R5, R6, R7

R4, R5, R6, R7 heteroaryl

R4, R5, R6, R7 non-heteroaryl

R15 and R16

X

N

Y and R5 or Y and R6 , non-hetero

Y and R5 or Y and R6 , hetero

R13 and R14, aryl

R13 and R14, heteroaryl

****Disease for which compound of claim is used**

Applicant is required, in reply to this action, to elect a **single disclosed species** to which the claims shall be restricted if no generic claim is finally held to be allowable. For example, if Applicants elect a compound, then Applicants are required to disclose the substituents therein attached; further Applicants are required to elect a **single disclosed disease** for which the compound is recited to treat. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: claims 1-31.

6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the substituents attached to the compound of formula (I) are numerous, which will lead to different attributes; wherein such compounds are do not readily suggest themselves to one of ordinary skill in the art.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louisa Lao whose telephone number is (571)272-9930. The examiner can normally be reached from 8:00am to 8:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyley can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 1621

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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